

**COUNTY FIRE WARDEN AGREEMENT
BETWEEN THE
UTAH DIVISION OF FORESTRY, FIRE AND STATE LANDS
AND**

These additional terms related to the county fire warden are required for counties participating directly as a “participating entity” or indirectly through another “eligible entity” (e.g., fire district) in the Division of Forestry, Fire and State Lands (FFSL) wildland fire management system, pursuant to Utah Code § 65A-8-209.1 (effective January 1, 2017). The agreement is required for any county with unincorporated private land within the jurisdictional authority of any eligible entity that has entered into a cooperative agreement with FFSL. This agreement revokes and replaces any previous warden agreements between the parties. This agreement shall be effective beginning January 1, 2017.

A county of the fifth class that, as of January 1, 2016, is cost-sharing a fire warden with an adjacent county may continue to do so with the permission of the State Forester, and a county of the sixth class may cost-share a county fire warden with an adjacent county with the approval of the State Forester, pursuant with Utah Code § 65A-8-209.1 (effective 2017).

For the purpose of cooperatively hiring, employing, supervising and compensating a county fire warden, FFSL and [County] hereby agree:

A. FFSL WILL:

1. Employ, at a minimum, a seasonal, full-time fire warden, unless exempted in Utah Code § 65A-8-209.1(3)(b) (2017).
2. Recognize the fire warden as a representative of FFSL for wildland fire management on all state and private land within the County(ies). The fire warden will be supervised by FFSL as part of FFSL’s statewide wildland fire program and organization.
3. Pay 50 percent of the fire warden’s compensation (including salary, FICA and employee benefits according to the State system, as applicable) consistent with Utah Code § 65A-8-209.1(2) (2017). All on-call time will be paid by FFSL.
4. Employ an assistant fire warden at the request of the County; the position duration and status will be determined by available funding.
5. Pay for assistant fire warden and other seasonal employees’ on-call time and time spent on FFSL-funded projects. Other duties assigned by the County or participating entity to the assistant fire warden and other seasonal employees will be funded by the County or participating entity. Assistant fire warden and other seasonal employees’ time spent on wildland fire suppression will be billed to the appropriate fire code.

6. Invoice the County for its portion of the costs for the fire warden, assistant fire warden, and other seasonal employees after the conclusion of the State fiscal year (June 30).
7. Provide fire warden support, as outlined in Appendix A, to include the following:
 - a. Training;
 - b. Winter vehicle;
 - c. Office spaces, computer, phone and office supplies;
 - d. Fire prevention activities and or materials; and
 - e. Other items as applicable.
8. Hold the fire warden accountable for meeting the written objectives in their annual Performance Management Contract developed in cooperation with the County or participating entity and overseen by their FFSL supervisor.
9. Provide and maintain at State expense a vehicle, auxiliary tools, and equipment appropriate for use in wildland fire suppression and associated activities during the statutory closed fire season (June 1 - October 31).

B. THE COUNTY WILL:

1. Employ, at a minimum, a seasonal, full-time fire warden, if they are an exempt county as outlined in Utah Code § 65A-8-209.1(3)(b)(2017).
2. Recognize the fire warden as a representative of FFSL for wildland fire management on all state and private land within the County(ies). The fire warden will be supervised by FFSL as part of FFSL's statewide wildland fire program and organization.
3. Reimburse FFSL for 50 percent of the fire warden's compensation (including salary, FICA and employee benefits under the State system, as applicable) consistent with Utah Code § 65A-8-209.1(2)(2017).
4. Employ an assistant fire warden; the position duration and status will be determined by available funding.
5. Pay for assistant fire warden and other seasonal employees. Assistant fire warden and other seasonal employees' time spent on wildland fire suppression will be billed to the appropriate fire code.
6. Reimburse any additional costs associated with the assistant fire warden and other seasonal employees, excluding on-call time, time spent on FFSL-funded projects, and time spent on wildland fire suppression that is billed to a fire code. Reimbursement will be made within 30 days following date of invoice by FFSL.

7. Provide fire warden support, as outlined in Appendix A, to include the following:
 - a. Training;
 - b. Winter vehicle;
 - c. Office spaces, computer, phone and office supplies;
 - d. Fire prevention activities and or materials; and
 - e. Other items as applicable.
8. Hold the fire warden accountable for written objectives in their annual Performance Management Contract developed in cooperation with the County or participating entity.
9. Ensure cooperative support for the fire warden and wildland fire program from the offices of county sheriff, emergency management director, and other County departments or corresponding offices within a participating entity.

C. IT IS MUTUALLY AGREED:

1. The local fire chief having jurisdictional authority is the official representative in structural, personal property and other non-wildland fire protection matters. FFSL will assume no responsibility for suppressing structural, vehicle, landfill or other types of non-wildland fire anywhere in the County or participating entity.
2. The qualifications of a fire warden are:
 - a. To be hired, the individual must be minimally qualified as an NWCG Type 4 Incident Commander. If a qualified candidate is not found, an "under-qualified" candidate may be hired if the County, area manager, and state fire management officer agree. If an under-qualified individual is hired, steps will be agreed to by the County and area manager to allow the individual to meet minimum qualifications as quickly as possible. These steps should be outlined in the fire warden's annual Performance Management Contract. The individual will remain on probation until qualifications are met.
 - b. The individual must be able to pass the physical fitness requirements associated with their qualifications as established by NWCG.
 - c. The individual must demonstrate excellent leadership and interpersonal skills, as determined by FFSL.
 - d. The individual or qualified designee must be available to work irregular hours associated with community and fire department meetings and training. The individual shall also coordinate with the county and neighboring FFSL resources to ensure local fire suppression demands are met while the individual is out of the area on training, national and IMT assignments.
3. The assistant fire warden must be qualified as a NWCG FFT2 (basic wildland firefighter).

County:

County

Date

Name/Title

Signature

Division of Forestry, Fire and State Lands:

FFSL Area Office

Date

Name/Title

Signature

Approved as form:

Name/Assistant Attorney General

Signature